

PHYSICAL THERAPY LICENSURE BOARD
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 5/14/2021

BOARD MEMBERS PRESENT: M Andrew Mix - Chair
Craig L Esplin
Glady Schroeder

BOARD MEMBERS ABSENT: Deanna Dye
Angela L Lippiello

DIVISION STAFF: Julie Eavenson, Licensing Group Manager
Skip Liddle, Supervising Investigator
Nicholas Crema, General Counsel
Tim Frost, Legislative & Regulatory Affairs Manager
Landon Brown, Board Prosecutor
Dicsie Gullick, Team Lead
Debbie Toncray, Board Specialist
Charlene Nelson, Board Specialist

The meeting was called to order at 9:00 AM MDT by M Andrew Mix.

INTRODUCTIONS

Ms. Eavenson talked about the team concept and introduced the team that was assigned to assist the Board. She said that Ms. Toncray will send a list to the Board with the contact information for those on the team.

APPROVAL OF MINUTES

Mr. Esplin made a motion to approve the minutes of 12/9/2020, 1/4/2021, 2/12/2021, and 4/15/2021. It was seconded by Ms. Schroeder. Motion carried.

DISCUSSION ON NALOXONE

Mr. Frost discussed the letter to the Board from Ms. Chopski and the recent changes in the law for healthcare providers who can prescribe and dispense opioid antagonists, specifically Naloxone, and the relevance of the law to the Board's scope of practice. The Board asked Division staff to send the letter to Mr. Gerber, President of the Idaho Physical Therapy Association.

LAWS AND RULES

Mr. Frost and Mr. Crema provided a legislative update. Mr. Frost said that another meeting regarding the Board's rules might have to be scheduled before July 1 due to the current status of the legislature.

Mr. Krema reminded the Board that each member direct licensees and applicants to contact Division staff with questions and information, especially for legal issues.

FINANCIAL REPORT

Ms. Eavenson gave the financial report, which indicated that the Board had a cash balance of \$185,870.44 as of 4/30/2021.

DIVISION BUSINESS

The Board reviewed the To Do List and no action was taken.

BOARD BUSINESS

CONFERENCE UPDATES AND ATTENDANCE

The Board reviewed an email from Ms. Kalis, Board Liaison with the Federation of State Boards of Physical Therapy (FSBPT). No action was taken.

DISCUSSION: CLINICAL ROTATIONS/PRESCRIBED WORK FROM BOARD FOR NPTE RETAKES

The Board reviewed Idaho Code § 54-2209(3) and the options the Board has when requiring applicants to either complete course work or clinical work prior to sitting for the third time for the National Physical Therapy Exam (NPTE). The Board tabled the discussion and asked that the item be added to the August 6, 2021, agenda so the full Board can participate in the discussion.

DISCUSSION: CONTINUING EDUCATION REQUIREMENTS

The Board reviewed the information provided regarding continuing education (CE) audits and the timing of an audit versus the timing of a licensee's renewal. The Board directed Division to staff include the example language about CE audit time frames to the PT/PTA renewal forms under the question about having completed the required CE.

REVIEW: DRY NEEDLING CERTIFICATION APPLICATION DRAFT

The Board reviewed the proposed language on the dry needling certification application form. Mr. Esplin made a motion to approve the dry needling certification application with the changes discussed and to have Division staff post the application to the website when the rules are enacted. It was seconded by Ms. Schroeder. Motion carried.

REVIEW: DRY NEEDLING UPDATED FAQ DRAFT

The Board reviewed two proposed options for the updated question about dry needling for the Frequently Asked Questions (FAQ) page. Mr. Esplin made a motion to approve the second option of the updated dry needling FAQ language and have Division staff post it to the website when the rules are enacted. It was seconded by Ms. Schroeder. Motion carried.

REVIEW: DRY NEEDLING CERTIFICATION NOTICE TO LICENSEES

The Board reviewed proposed language for a notice to be sent to licensees after the dry needling certification rules are enacted. The Board made a revision to clarify that a licensee needs to have practiced at least one year as a physical therapist prior to including dry needling in the scope of his/her practice. Mr. Esplin made a motion to approve the dry needling certification notice with the changes and have Division staff distribute the notice via email when the rules are enacted. It was seconded by Ms. Schroeder. Motion carried.

CORRESPONDENCE

The Board reviewed correspondence from Mr. Gerber regarding supervision of physical therapist assistants in a telehealth setting, and notice to licensees about proposed rules, specifically dry needling. Mr. Esplin made a motion directing Mr. Krema to draft a letter for review by the Board chair, regarding the issue of PTA supervision in telehealth settings. It was seconded by Ms. Schroeder. Motion carried. The Board directed Division staff to notify Mr. Gerber that proposed rules for dry needling and other information can be followed in the meeting minutes and proposed rules on the Board's website.

The Board reviewed correspondence from Mr. Gerber and Mr. Behrens regarding dry needling within the scope of practice for physical therapists. The Board directed the Division to notify Mr. Gerber and Mr. Behren that proposed rules for dry needling and other information can be followed in the meeting minutes and proposed rules on the Board's website.

The Board reviewed two pieces of correspondence from Mr. Southwick regarding internal and grade 5 joint mobilizations as part of the scope of practice for physical therapist assistants. The Board agreed that all licensees must have proper training and stay within the scope of practice when treating patients. Mr. Esplin made a motion directing Mr. Krema to draft a response to Mr. Southwick citing the laws and rules for the scope of practice for physical therapists and physical therapist assistants; private legal advice; and informing Mr. Southwick that the Board does provide legal advice, and stating he will need to discuss this with his own counsel if he needs further clarification. It was seconded by Ms. Schroeder. Motion carried.

COMPLAINT MEMORANDUM

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Esplin made a motion to approve the Division's recommendation and authorize closure with an advisory letter in case number I-PHT-2019-6 and closure in case number I-PHT-2020-7. It was seconded by Ms. Schroeder. Motion carried.

EXECUTIVE SESSION

Ms. Schroeder made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Mr. Esplin. The vote was: Mr. Mix, aye; Mr. Esplin, aye; and Ms. Schroeder, aye. Motion carried.

Ms. Schroeder made a motion to come out of executive session. It was seconded by Mr. Esplin. Motion carried.

DISCIPLINE

Mr. Esplin made a motion to close case numbers PHT-2021-3 and PHT-2021-2 without further action. It was seconded by Ms. Schroeder. Motion carried.

EXECUTIVE SESSION

Ms. Schroeder made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Mr. Esplin. The vote was: Mr. Mix, aye; Mr. Esplin, aye; and Ms. Schroeder, aye. Motion carried.

Ms. Schroeder made a motion to come out of executive session. It was seconded by Mr. Esplin. Motion carried.

CE AUDIT WAIVER REQUESTS

Mr. Esplin made a motion to table the following pending receipt of additional information:

PT-2571
PTA-2634

It was seconded by Ms. Schroeder. Motion carried.

NEXT MEETINGS were scheduled for July 7, 2021 at 11:30 AM MDT (conference call) and November 12, 2021 at 9:00 AM MST (regular meeting).

ADJOURNMENT

Ms. Schroeder made a motion to adjourn the meeting at 12:28 PM MDT. It was seconded by Mr. Esplin. Motion carried.